

REMARKS

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the above-identified application (assuming that the Examiner in charge of the above-identified application enters the instant amendment under 37 CFR §1.116(b) after FINAL REJECTION) is anticipated under the provisions of 35 USC §102 or rejectable as obvious to one having ordinary skill in the art under the provisions of 35 USC §103(a). Furthermore, Applicants also submit that all of the said pending claims now satisfy the requirements of 35 USC §112. Thus, Applicants believe that all of said pending claims are now in allowable form; and that the above-identified application is in condition for allowance.

If, however, the Examiner believes that there are any unresolved issues requiring adverse action (that is, non-allowability of any of the said pending claims or non-entry of the instant amendment) the Examiner is respectfully requested to contact Arthur L. Liberman at (732) 291-9434 or FAX number (732) 872-1305 or via e-mail at aliberman@monmouth.com so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Status of pending claims; and relationship thereof to previously-presented claims

Previously-presented rejected claims 61, 71, 83 and 85 have been canceled without replacement and without prejudice.

Previously-presented claims 62-66, 68, 72, 74, 75, 77, 82 (all rejected) and 84 (objected to as being dependent on a rejected claim) previously dependent on rejected claim 61 have been replaced by newly-presented claims 88-96, 98, 100 and 101, now dependent on newly-presented claim 87 which replaces previously-presented allowed claim 78. The newly-presented claim 87 is identical to previously-presented allowed claim 78 with the exception that the last phrase therein: "wherein the polyester component is based on a random copolymer" has been redacted.

Previously-presented allowed claims 67, 69, 70, 79 and 80 have been retained in the case without change.

Previously presented allowed claim 73 has been replaced by newly-presented claim 86. Newly-presented claim 86 is identical to previously-presented claim 73 with the exception that in the last phrase therein: "(ii) reacting a polymer which is a random copolymer with said first reaction product" the words: "which is a random copolymer" have been redacted.

Previously-presented rejected claim 76 has been replaced by newly-presented claim 97 which has been made

dependent on newly-presented claim 87 which, in turn, replaces allowed claim 78 as indicated *supra*.

Restriction Requirement

In ¶1 on page 2 of the Office Action of April 1, 2003, previously-presented claim 83 was held to be subject to a restriction requirement under 37 CFR §1.142(b) and MPEP §821.03. Previously-presented claim 83 has been cancelled; and its withdrawal is not being contested.

Claim Objections

In the Office Action of April 1, 2003, previously-presented process claim 84 was objected to as being dependent on a rejected claim (that is, previously-presented claim 61, now canceled without replacement). The said process claim 84 has now been replaced with newly-presented claim 101 which is dependent on newly-presented claim 87. Claim 87 replaces previously-presented allowed claim 78 with the exception that the last phrase therein: "wherein the polyester component is based on a random copolymer" has been redacted.

It is Applicants' contention that there is no reason, based on the teachings of the prior art, that this claim should be limited to random copolymers; which covers a preferred embodiment.

Rejections

A. Rejections under 35 USC §112

In ¶3 on page 2 of the Office Action of April 1, 2003, previously-presented claim 85 was the only claim rejected under 35 USC §112. Previously-presented claim 85 has been cancelled without replacement.

B. Rejections under 35 USC §102(b) and 35 USC §103(a)

In ¶¶4-11 on pages 3, 4 and 5 of the Office Action of April 1, 2003, previously-presented claims 61-66, 68, 71, 72, 74-77, 81, 82 and 85 were rejected over the Ambrose, Quay, and de Groot (in view of Cohn) references. Claim 61, 71 and 85 have been canceled without replacement. Claims dependent thereon, to wit: claims 62-66, 72, 74, 75, 77, 81 and 82 have been replaced by claims 88-96 and 98-101, now dependent on claim 87. Claim 87 replaces allowed claim 78 and is identical to allowed claim 78 with the exception that the last phrase therein: "wherein the polyester component is based on a random copolymer" has been redacted.

Also, claim 76 has been replaced by newly-presented claim 97 which has been made dependent on newly-presented claim 87, discussed *supra*.

As stated *supra*, it is Applicants' contention that there is no reason, based on the teachings of the prior art, that this claim should be limited to random copolymers; which covers a preferred embodiment.

Allowable Subject Matter

In §5 of the "Office Action Summary" which is page 1 of the Office Action of April 1, 2003, it is indicated that claims 67, 69, 70, 73, and 78-80 are allowed.

Previously-presented claims 67, 69, 70, 79 and 80 have been retained in the above-identified application without any changes.

Previously-presented claim 73 has been replaced by newly-presented claim 86.

As stated supra, newly-presented claim 86 is identical to previously-presented claim 73 with the exception that in the last phrase therein: "(ii) reacting a polymer which is a random copolymer with said first reaction product" the words: "which is a random copolymer" have been redacted.

Previously-presented claim 78 has been replaced by newly-presented claim 87.

As stated supra, the newly-presented claim 87 is identical to previously-presented allowed claim 78 with the exception that the last phrase therein: "wherein the polyester component is based on a random copolymer" has been redacted.

As stated supra, it is Applicants' contention that there is no reason, based on the teachings of the prior art, that the newly-presented claims 86 and 87 should be limited to random copolymers; where said limitation covers a preferred embodiment as set forth in the specification of the above-identified application.

Conclusion

Thus, Applicants respectfully submit that none of the pending claims presently in the application (assuming that the instant amendment after FINAL REJECTION is entered by the Examiner) is anticipated under the provisions of 35 USC §102 or is obvious to one having ordinary skill in the art under 35 USC §103(a). Furthermore Applicants respectfully submit that each of the said pending claims now fully satisfies the requirements of 35 USC §112.

Accordingly, entry of the instant amendment under 37 CFR §1.116(b) after FINAL REJECTION is respectfully solicited since the instant amendment either:

- (a) Places the above-identified application in condition for allowance, or
- (b) Places the above-identified application in better condition for appeal.

In summary, Applicants believe that each of said pending claims is presently in condition for allowance. Accordingly, entry of the instant amendment after FINAL REJECTION, reconsideration of the above-identified

Application and its swift passage to issue are earnestly solicited.

Respectfully submitted,

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Arthur L. Liberman
Reg. No. 22,698
Customer No. 007265
(732) 291-9434

MICHAELSON & WALLACE
Counselors at Law
Parkway 109 Office Center
328 Newman Springs Road
P.O. Box 8489
Red Bank, New Jersey 07701

CERTIFICATE OF MAILING under 37 CFR §1.8(a)

I hereby certify that this correspondence is being deposited on **July 1, 2003** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



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